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**HERITAGE AND ARTS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Curt Webb**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the Department of Heritage and Arts.

**Highlighted Provisions:**

This bill:

▶ requires that the Department of Heritage and Arts submit recommendations and priorities to the Legislature for approval and prioritization for pass-through funding requests of \$50,000 or more for programs and projects primarily focused on heritage, arts, or cultural development;

▶ establishes the Heritage and Arts Grant Program to fund pass-through funding requests under \$50,000 for programs and projects primarily focused on heritage, arts, or cultural development; and

▶ defines terms.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**9-1-102**, as last amended by Laws of Utah 2017, Chapter 48

**9-1-201**, as last amended by Laws of Utah 2017, Chapter 48



28 9-1-208, as enacted by Laws of Utah 2014, Chapter 371

29 ENACTS:

30 9-1-901, Utah Code Annotated 1953

31 9-1-902, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 9-1-102 is amended to read:

35 **9-1-102. Definitions.**

36 As used in this title:

37 (1) "Department" means the Department of Heritage and Arts.

38 (2) "Executive director" means the executive director of the Department of Heritage  
39 and Arts.

40 (3) "Funding request" means a request for one-time or ongoing pass-through funding  
41 for programs or projects primarily focused on heritage, arts, or cultural development.

42 (4) "Funding requester" means a person submitting a funding request.

43 [~~3~~] (5) (a) "Pass-through funding" means funding from an appropriation by the  
44 Legislature to a state agency that is intended to be passed through the state agency to:

45 (i) a government or local government entity;

46 (ii) a private entity, including a not-for-profit entity; or

47 (iii) a person in the form of a loan or a grant.

48 (b) The funding may come from general funds, federal funds, dedicated credits, or a  
49 combination of funding sources.

50 Section 2. Section 9-1-201 is amended to read:

51 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

52 (1) There is created the Department of Heritage and Arts.

53 (2) The department shall:

54 (a) be responsible for preserving and promoting the heritage of the state, the arts in the  
55 state, and cultural development within the state;

56 (b) perform heritage, arts, and cultural development planning for the state;

57 (c) coordinate the program plans of the various divisions within the department;

58 (d) administer and coordinate all state or federal grant programs which are, or become,

59 available for heritage, arts, and cultural development;

60 (e) administer any other programs over which the department is given administrative  
61 supervision by the governor;

62 (f) submit an annual written report to the governor and the Legislature as described in  
63 Section 9-1-208; and

64 (g) perform any other duties as provided by the Legislature.

65 (3) The department may solicit and accept contributions of money, services, and  
66 facilities from any other sources, public or private, but may not use those contributions for  
67 publicizing the exclusive interest of the donor.

68 (4) Money received under Subsection (3) shall be deposited in the General Fund as  
69 restricted revenues of the department.

70 (5) (a) For a pass-through funding grant of [~~\$25,000~~] \$50,000 or more, the department  
71 shall make quarterly disbursements to the pass-through funding grant recipient, contingent  
72 upon the department receiving a quarterly progress report from the pass-through funding grant  
73 recipient.

74 (b) The department shall:

75 (i) provide the pass-through funding grant recipient with a progress report form for the  
76 reporting purposes described in Subsection (5)(a); and

77 (ii) include reporting requirement instructions with the form.

78 Section 3. Section 9-1-208 is amended to read:

79 **9-1-208. Annual report -- Content -- Format.**

80 (1) The department shall prepare and submit to the governor and the Legislature, by  
81 October 1 of each year, an annual written report of the operations, activities, programs, and  
82 services of the department, including its divisions, offices, boards, commissions, councils, and  
83 committees, for the preceding fiscal year.

84 (2) For each operation, activity, program, or service provided by the department, the  
85 annual report shall include:

86 (a) a description of the operation, activity, program, or service;

87 (b) data selected and used by the department to measure progress, performance, and  
88 scope of the operation, activity, program, or service, including summary data;

89 (c) budget data, including the amount and source of funding, expenses, and allocation

90 of full-time employees for the operation, activity, program, or service;

91 (d) historical data from previous years for comparison with data reported under  
92 Subsections (2)(b) and (c);

93 (e) goals, challenges, and achievements related to the operation, activity, program, or  
94 service;

95 (f) relevant federal and state statutory references and requirements;

96 (g) contact information of officials knowledgeable and responsible for each operation,  
97 activity, program, or service; and

98 (h) other information determined by the department that:

99 (i) may be needed, useful, or of historical significance; or

100 (ii) promotes accountability and transparency for each operation, activity, program, or  
101 service with the public and elected officials.

102 (3) The annual report shall include:

103 (a) a description of the department's funding request recommendations and priorities  
104 from the preceding legislative general session;

105 (b) a list of the programs or projects for which grant applications were submitted  
106 through the Heritage and Arts Grant Program;

107 (c) a list of the programs or projects that were awarded grants through the Heritage and  
108 Arts Grant Program; and

109 (d) the amount of funding each program or project listed under Subsection (2)(c)  
110 received.

111 [~~3~~] (4) The annual report shall be designed to provide clear, accurate, and accessible  
112 information to the public, the governor, and the Legislature.

113 [~~4~~] (5) The department shall:

114 (a) submit the annual report in accordance with Section 68-3-14; and

115 (b) make the annual report, and previous annual reports, accessible to the public by  
116 placing a link to the reports on the department's website.

117 Section 4. Section **9-1-901** is enacted to read:

118 **9-1-901. Funding requests -- Department recommendations and priorities.**

119 (1) The department shall:

120 (a) on behalf of all funding requesters and in accordance with Subsection (3), submit

121 funding request recommendations and priorities to the Legislature for approval and  
122 prioritization;

123 (b) receive from each funding requester an application in a form approved by the  
124 department that describes:

125 (i) the amount of appropriation the funding requester will request;

126 (ii) the purpose of the project or program;

127 (iii) the scope of the project or program;

128 (iv) the need for the project or program;

129 (v) any additional funding for the project or program;

130 (vi) the contribution of the project or program on the state's efforts to promote and  
131 preserve the heritage of the state, the arts in the state, and cultural development within the state;  
132 and

133 (vii) the economic and community impacts of the project or program;

134 (c) review an application that a funding requester submits under Subsection (2); and

135 (d) attempt to contact each funding requester from the previous legislative general  
136 session to determine whether the funding requester intends to submit a funding request during  
137 the next legislative general session and inform them of the requirements of Subsection (2).

138 (2) A funding requester shall, prior to December 15 of the year preceding a funding  
139 request, submit an application as described in Subsection (1)(b) to the department.

140 (3) (a) On or before January 15 of each year, the department shall, on behalf of all  
141 funding requesters, submit a prioritized list of anticipated funding requests to the Legislature  
142 for review and approval.

143 (b) If a funding request is for less than \$50,000, the department:

144 (i) may not prioritize the request; and

145 (ii) shall recommend that the request be reviewed by the department for funding  
146 through the Heritage and Arts Grant Program.

147 (c) In prioritizing funding requests, the department shall consider the criteria described  
148 in Subsection (1)(b).

149 Section 5. Section **9-1-902** is enacted to read:

150 **9-1-902. Heritage and Arts Grant Program.**

151 (1) There is created within the department the Heritage and Arts Grant Program.

152 (2) Subject to appropriation from the Legislature, the director may award grants under  
153 the Heritage and Arts Grant Program to a funding requester as described in this section.

154 (3) (a) A funding requester whose funding request is less than \$50,000 may apply to  
155 the department for a grant to fund a program or project primarily focused on heritage, arts, or  
156 cultural development.

157 (b) An application submitted under Subsection (3)(a) shall include:

158 (i) the funding request submitted under Subsection [9-1-901\(2\)](#);

159 (ii) a signed document from the funding requester stating that the funding requester  
160 will not submit a request for appropriation directly to the Legislature for the same program or  
161 project; and

162 (iii) any additional information required by the department.

163 (4) (a) The department shall review each grant application and, subject to legislative  
164 appropriation, may award grants to each funding requester that qualifies for a grant under  
165 Subsections (4)(b) and (5)(b).

166 (b) In awarding grants under this section, the department shall consider the criteria  
167 described in Subsection [9-1-901\(1\)\(b\)](#).

168 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
169 department may make rules governing the:

170 (a) content of the application form referred to in Subsection (3);

171 (b) criteria the department shall consider in prioritizing and awarding grants under  
172 Subsection (4);

173 (c) terms of a grant under this section; and

174 (d) administration of the Heritage and Arts Grant Program, including relevant timelines  
175 and deadlines.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**